

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

METROPOLITAN TRANSPORTATION
AUTHORITY & TRIBOROUGH BRIDGE
AND TUNNEL AUTHORITY,

Plaintiffs,

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION, RIDERS ALLIANCE,
SIERRA CLUB, & NEW YORK
DEPARTMENT OF TRANSPORTATION

Intervenor-Plaintiffs,

v.

SEAN DUFFY, et al.

Defendants.

Case No. 25-cv-01413-LJL

**DEFENDANTS' NOTICE OF SUBMISSION OF THE CERTIFIED LIST OF
THE CONTENTS OF THE ADMINISTRATIVE RECORD**

Attached hereto is a certified list of the contents of the Administrative Record; the record consists of materials that were previously filed with the Court in a companion case, *Elizabeth Chan, et al. v. U.S. Dep't of Transportation*, 1:23-cv-10365 (S.D.N.Y), as well as new materials. Defendants, through counsel, have contemporaneously submitted to the Court and Plaintiffs' counsel the new portions of the Administrative Record. Upon request, Defendants will provide the Court and Plaintiffs those portions of the record that consist of the previously disclosed *Chan* materials.

The record does not include deliberative information. *See Comprehensive Cmty. Dev. Corp. v. Sebelius*, 890 F. Supp. 2d 305, 308-09 (S.D.N.Y. 2012) (articulating standard governing scope of the administrative record); *id.* at 312 (recognizing that “deliberative materials antecedent to the agency’s decision fall outside the administrative record”).

Defendants reserve their right to seek leave from the Court to supplement the Administrative Record with additional materials, especially given the compressed timetable and the Government’s position that there has not been a final agency action that can be challenged under the Administrative Procedure Act.

Dated: May 27, 2025

Respectfully submitted,

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